

December 8, 2008

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

APPLICANT/OWNER: Michael Feuerborn
MJF Holdings, Inc
3502 B Street NW
Auburn, WA 98001

CONTACT: Site Development Associates, LCC
10117 Main Street
Bothell, WA 98011

Welman Preliminary Plat
File No.: LUA 08-107, PP, ECF

LOCATION: 18417 116th Avenue SE

SUMMARY OF REQUEST: Requesting Preliminary Plat approval for the subdivision of a 3.24-acre parcel into 25 lots for the eventual development of single-family residences, with tracts for Native Growth Protection Area, stormwater detention, recreation, private access, and joint use driveways.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on November 18, 2008.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the November 25, 2008 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, November 25, 2008, at 10:24 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<u>Exhibit No. 1:</u> Yellow file containing the original application, proof of posting, proof of publication and other documentation pertinent to this request.	<u>Exhibit No. 2:</u> Vicinity Map and Preliminary Plat Map

<u>Exhibit No. 3:</u> Zoning Map	<u>Exhibit No. 4:</u> Topographic Map
<u>Exhibit No. 5:</u> Conceptual Drainage with Preliminary Utilities	<u>Exhibit No. 6:</u> Tree Retention/Replacement Map
<u>Exhibit No. 7:</u> ERC Advisory Notes	

The hearing opened with a presentation of the staff report by Gerald Wasser, Associate Planner, Community and Economic Development Department, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The Welman Preliminary Plat is a project that is vested in King County and is being processed by the City of Renton. King County prepared a preliminary report and recommendations to the City of Renton upon which the report to the Hearing Examiner is based. The property is 3.24 acres and 25 proposed lots that range in size from approximately 3,003 to 4,081 square feet.

The King County zoning is R-8 and the proposed density would be 7.14 dwelling units per gross acre. The site would be accessed from 116th Avenue SE, some lots would be accessed via private access tracts and joint use driveways. One combined recreation and stormwater tract, a second recreation tract and a Native Growth Protection tract all are proposed to be on site

The site also contains a Category 4 Wetland part of which will be retained and enhanced in Tract B. A portion of the wetland will be removed for Road A and for the stormwater detention/recreation tract.

Environmental Review Committee issued a Determination of Non-Significance. No appeals were filed.

The site is designated as Urban in the 1994 King County Comprehensive Plan, it is also in the Soos Creek Area Community Plan and is in compliance with the goals, objectives and policies of those plans.

The proposed lots comply with the development standards of King County. The lot pattern and internal circulation also comply with the King County Subdivision requirements.

The Renton School District has stated that they can accommodate the additional students generated by this proposal.

The Soos Creek Water and Sewer District has indicated its ability to serve this proposed project in terms of sewage disposal and water supply and water is available to meet the King County water flow standards. Adequate drainage measures are proposed to satisfy the requirements of King County Surface Water Development Manual.

Michael Romano, PO Box 2668, Redmond 98073 stated that he was not representing any party in this matter, but he would be able to answer questions when necessary regarding King County requirements.

Dan Owen, 11445 SE 185th Place, Renton 98055 stated that they live adjacent to the Native Growth Protection tract in that approximate area. Currently there is a gravel private road that provides access to residences north and west of the subject site. He wondered how the private road would work along side the proposed Road B since there is quite a bit of elevation difference.

Secondly, Mr. Welman had installed a chain link fence along the west end of the property, would that fence remain or be removed?

Lastly, the land is a bit rolling with various elevations, how much grading would take place?

The Examiner stated that on page 3 of 12 indicates that there would be balanced on-site fill and grade. No import or export would done.

Mary Kay Owen, 11445 SE 185th Place, Renton 98055 stated that in 2006 they received a plat map from King County, very similar to Exhibit 5. She wanted to make sure that Tract B, which is like a wetland would remain in this proposal. There is so much wildlife in the trees in that area, she hopes that all the trees, or as many as possible can be saved.

Mr. Romano stated that he is somewhat familiar with King County Code and regarding the second access and extending the cul-de-sac to 116th. Since 116th is a minor arterial according to King County road standards, they have a minimum intersection spacing requirement. In this case, as an arterial it is 1,000 feet. That is done to eliminate side friction as much as possible on arterials in order to maintain traffic flow. The access for the plat is located on the north side because that half street very closely matches up to an existing street on the east side of 116th and that is a requirement that the County would have imposed, they want the center lines to match up, they don't like off-setting intersections.

There appears to be high ground to the east of the cul-de-sac and that would need to be cut about two feet, they may cut that more than that. That material will be pushed over to the west side, south of Tract D where the rockery is indicated along the west property line. There will also be a retaining wall constructed along the west line of plat access road west of Tract A along Tract B due to the ravine that contains the wetland. Grade will have to be maintained in that location.

Drainage from this site goes into a detention vault that will generate enough material that will be used to balance out the site. The drainage from that vault will discharge to that wetland, the wetland drains into Emerald Glen. Emerald Glen is a plat that he worked on in the early 1990's, the drainage system there is an infiltration pond, where the water goes underground, disappears and does not show up in the County's drainage pond at 112th and 184th.

Mr. Wasser stated that in the wetland all trees will be retained, the tract would be enhanced with more vegetation. The recreation tracts will be planted with grass and will have other vegetation as well as play and picnic equipment. Street trees will be required along all frontage streets.

Kayren Kittrick, Community and Economic Development stated that they will take a good look at the private access tracts and most likely they will change to easement and be included in the property lots. They will also closely look at internal street designs and Fire will make sure that if any signage is necessary, it will be included. There is a lot more review to be done by the City of Renton.

Road B is supposed to be full width. 1993 King County Road Standards allow a 30' road, with rolled curb and sidewalk on one side, it will be fully checked out. The plat shows 20' of pavement on Road B and 24' pavement throughout the roadway, allowing for two-way traffic and according to King County this would also allow parking. This does meet King County standards, which this plat is vested to.

The recharge of the wetland is being handled by the retention/detention pond. It is controlled by the detention vault and cannot be overflowed, it has to retain.

Mr. Romano stated that the 1993 King County Road Standards for minor access road is 24-foot paving flow line to flow line with either rolled or vertical curb and a sidewalk on one side. The access road that runs north/south and terminates in the cul-de-sac is designed to meet that standard. The half street road, which is allowed by

King County and required in the case is a 20-foot paved road with a sidewalk and curb and gutter on one side, in this case would be the south side. That is constructed with a 2% slope across the entire paved surface.

When a property owner to the north comes in with an application they would be required to saw cut that existing paving at what would be the new center line of the roadway and construct a crown section.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 11:02 a.m.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Michael Feuerborn, MJF Holdings, Inc., filed a request for a Preliminary Plat.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance (DNS).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 18417 116th Avenue SE. The subject site is located on the west side of 116th Avenue just north of SE 186th Street.
6. The subject site is zoned R-8 (Single Family Residential).
7. The subject site is part of the Benson Hill annexation. The application was submitted while the property was still under King County's jurisdiction and is, therefore, entitled to be developed under King County's zoning regulations. The subject site is considered vested to King County zoning. Lot size, yard dimensions and street width and sidewalk regulation are all governed by the King County standards.
8. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of detached single-family uses, but does not mandate such development without consideration of other policies of the Plan.
9. The subject site was annexed to the City with the adoption of Ordinance 5327 enacted in March 2008.
10. The subject site is approximately 3.24 acres. The subject site is approximately 350 feet deep by 380 feet wide (north to south) along 116th.
11. The subject site slopes generally downward to the northwest.
12. The downward slope to the northwest leads to a Category 4 wetlands in that corner of the subject site.
13. Trees are located in the wetland areas and those will be retained in a Native Growth Protection

Easement. The applicant will be enhancing the wetland as provided by King County regulations.

14. The applicant proposes dividing the property into 25 lots for housing as well as a number of tracts for the wetland, Tract B, and open space, recreation and storm water detention, Tracts A and C. The applicant has also proposed a number of tracts for access roadways and joint use driveways. The City will review these later tracts, for access, and determine if they should be easements across fee owned property to spell-out ownership, access and maintenance responsibility
15. The proposed lots will be arranged in groups around a new public roadway ending in a cul-de-sac in the south central area of the plat. The roadway will run west from 116th and turn south just east of Tract B and then turn east to end in the cul-de-sac. The applicant proposed a number of smaller access tracts to provide ingress and egress to interior lots. As noted above, the City may require these tracts to be easements or shared driveways.
16. The proposed lots will range in size from 3,003 square feet to 4,081 square feet.
17. The applicant did not attend the public hearing.
18. The density for the plat would be 7.14 dwelling units per gross acre. It meets King County standards.
19. A private road parallels the new road proposed along the north property line. The expectation is that it will be paved and made public with future development in the area.
20. The subject site is located within the Renton School District. The project is expected to generate approximately 11 or 12 school age children. These students would be spread across the grades and would be assigned on a space available basis.
21. The development will generate approximately 10 vehicle trips per unit or approximately 250 trips for the 25 single-family homes. Approximately ten percent of the trips, or approximately 25 additional peak hour trips will be generated in the morning and evening.
22. The applicant will provide on-site recreation in lieu of contributing to a parks fund, which complies with King County code
23. Stormwater will be handled by a detention system along the north portion of the plat. A drainage adjustment was approved by King County, which combined drainage basins. Flows to the south and southwest will be diverted to the northern system. There were stormwater related complaints to the west. King County made adjustments to their existing systems and with the proposed on-site system, no additional incidents are anticipated.
24. Sewer and water will be provided by the Soos Creek District.
25. The plat was reviewed by King County's Subdivision Technical Committee and their report forms the basis of the City's information. City staff reviewed the report and made a general recommendation following King County's guidance.

CONCLUSIONS:

1. The proposed plat appears to serve the public use and interest. It has been reviewed by King County's technical staff and in the main the recommendations of those staff have been followed by Renton's staff.

The plat and its proposed lots meet the requirements for density, lot and roadway dimensions and development standards.

2. The development of the plat will add to the available base of detached single-family homes. It will do so in an area where urban services such as water and sewer are available.
3. The development will add to the tax base of the City and help offset the impacts of the additional population. The applicant will be providing on-site recreational opportunities lessening the burden on nearby parks.
4. The plat will be protecting its wetland and trees in that area in a Native Growth Protection Easement. Storm water will be appropriately directed according to King County standards lessening the potential for down stream flood events.
5. In conclusion, the plat should be approved by the City Council subject to the conditions recommended by King County staff and Renton staff.

RECOMMENDATION:

The City Council should approve the plat subject to the following conditions:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the City of Renton Community & Economic Development Department.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the City of Renton Fire Marshall for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 2005 King County Surface Water Design Manual and applicable updates adopted by King County. City of Renton

Community & Economic Development Department approval of the drainage and roadway plans is required prior to any construction.

- b. Current standard plan notes and ESC notes, as established by the King County Department of Development and Environmental Services (DDES) Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”
 - d. The drainage facilities shall meet the requirements of the 2005 King County Surface Water Design Manual (KCSWDM). The drainage design shall meet at a minimum the Conservation Flow Control and Basic Water Quality requirements in the KCSWDM.
 - e. Drainage adjustment L07V0085 was approved for this project. All conditions of approval for this adjustment shall be met prior to engineering plan approval.
 - f. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMPs for site development.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- a. Road A from Road B to the cul-de-sac shall be improved at a minimum to the urban subaccess street standard.
 - b. Road B (the westerly extension of SE 184th Street) from 116th Avenue SE to Tract B shall be improved at a minimum to the urban one-half street standard. The option to construct Road B to a full-width subaccess street, (partially on the properties to the north) is also acceptable; provided that right-of-way from the offsite owner(s) on the north side can be obtained.
 - c. OFFSITE: Road B shall be aligned with the east leg of SE 184th St at the 116th Avenue SE intersection in general conformance with the Offsite Improvement Plan received

May 27th, 2008, unless otherwise approved by the reviewing agency. This improvement changes the alignment of the existing improved portions of SE 184th Street southerly to align with proposed Road B. This improvement shall meet the overlay requirements in Section 4.01(f) of the KCRS.

If the option to improve Road B to a full width subaccess street is selected (Condition 7.b. above) and aligned with existing SE 184th Street, the above offsite realignment of SE 184th Street is not required.

- d. FRONTAGE: The 116th Avenue SE frontage shall be improved at a minimum to the urban minor arterial street standard on the west side. This improvement shall meet the overlay requirements in Section 4.01(f) of the KCRS.
 - e. The joint use driveways and private access tracts shall be improved per Section 3.01 and 2.09 of the KCRS. These Tracts shall be owned and maintained by the Lot owners served.
 - f. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the City of Renton prior to final plat recording.
 9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 11. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
 12. The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of critical areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.

Preliminary plat review has identified the following specific requirements, which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

Wetlands

- a. The Category IV wetland, less than 2,500 square feet, shall have a 50 foot buffer as shown on the preliminary site plans. The buffer maybe reduced to 25 feet provided the remaining buffer area is enhanced with native vegetation.
- b. The impacts to Critical Areas and buffers may be allowed for the construction of proposed Road 'A' and retention/detention pond provided a final mitigation plan is submitted during engineering review. Construction techniques to minimize impacts to critical areas and buffer shall be considered during final road design. Techniques may include the use of retaining walls within the right-of-way.
- c. The wetland and buffer shall be placed in Critical Area Tracts (CAT) for long-term protection. A four-foot high split railed fence or similar shall be installed along the CAT boundary. Critical Area signs, one per lot on those lots that abut the CAT, shall be installed on or near the fence.
- d. A 15' building set back line (BSBL) is required from the edge of Critical Area Tracts and shall be shown on all affected lots.
- e. Impacts to wetlands may require approval/permits from other review agencies. It will be the applicant's responsibility to obtain approvals from other review agencies and submit the approvals/permits during engineering review.
- f. Prior to construction or clearing activities on site the CAT boundaries shall be clearly marked with orange construction fencing or similar, and shown on the engineering plans. The fencing shall remain in place until all clearing or construction is completed.
- g. The engineering plans shall be submitted and reviewed by the City of Renton Community & Economic Development staff.
- h. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL AREAS AND BUFFERS

Dedication of a critical area tract/critical area and buffer conveys to the public a beneficial interest in the land within the tract/critical area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by the City of Renton, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the City of Renton Community &

Economic Development Department or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of the City of Renton Community & Economic Development Department prior to any clearing, grading, building construction or other development activity on a lot subject to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

13. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by the City of Renton Community & Economic Development Department and Parks Department prior to or concurrent with the submittal of the engineering plan.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
14. A homeowners' association or other workable organization shall be established, to the satisfaction of the City of Renton Community & Economic Development Department, which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
15. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If the City of Renton determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the City of Renton has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by the City of Renton Community & Economic

Development Department if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by the City of Renton Community & Economic Development Department prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 206-684-1622 to determine if 116th Avenue SE is on a bus route. If 116th Avenue SE is a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after the City of Renton Community & Economic Development Department has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
16. The applicant shall comply with all applicable provisions of KCC Chapter 16.82, concerning the preservation of "significant trees" on subdivisions located in the King County "Urban" designated area. A detailed tree retention plan, which complies with KCC 16.82.156B2 and other applicable requirements of this Code section, shall be submitted to the City of Renton Community & Economic Development Department (CED) for review and approval prior to engineering plan approval. Bonding may be required by CED to assure implementation of the tree retention plan. No clearing or grading of the site shall occur until CED approves the detailed tree retention plan.
17. **SPRINKLER REQUIREMENT:** All future residences constructed within this subdivision (except those constructed on lots 1 and 2) are required to be sprinkled NFPA 13D unless the requirement is removed by the City of Renton Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement driving surfaces between curbs must be a minimum of 28 feet in width when parking is allowed on one side of the roadway, and at least 36 feet in width when parking is permitted on both sides.
- Additionally, the driving surface of the access tracts within this subdivision must have minimum unobstructed widths of 20 feet (no parking permitted); or respective lots accessed by those tracts will have to be sprinkled.
18. In the event that any archaeological objects are uncovered on the site, the applicant shall comply with RCW Chapter 27.53, Archaeological Sites and Resources. Immediate notification and

consultation with the State Office of Archaeology and Historical Preservation, King County Office of Cultural Resources and relevant tribes (including the Suquamish, Puyallup and Muckleshoot tribes) is required if discovered materials are prehistoric and a site is present.

ORDERED THIS 8th day of December 2008.

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 8th day of December 2008 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., December 22, 2008.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., December 22, 2008.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.